

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed June 15, 2007. Claims 1-15, 30-42 and 49-54 were pending in the Application. In the Office Action, Claims 1-15, 30-42 and 49-54 were rejected. Claims 16-29 and 43-48 are cancelled without prejudice or disclaimer. Therefore, Claims 1-15, 30-42, and 49-54 remain pending in the application. Applicants respectfully request reconsideration and favorable action in this case.

In the Office Action, the following actions were taken or matters were raised:

RESTRICTION/ELECTION

Applicant confirms the election of Claims 11-15, 30-42 and 49-54 for examination in response to the Examiner's restriction and request for election. In the Office Action, Claims 16-29 and 43-48 were treated by the Examiner as having been withdrawn from consideration, and Applicants herein cancel Claims 16-29 and 43-48 without prejudice or disclaimer.

SECTION 102 REJECTION

As an initial matter, the Examiner appears to comment that the pending claims are "merely online suggestions/advices" and refers to the Mapquest and Google websites. (Office Action dated June 15, 2007, page 2). In support, the Examiner provides a document entitled "www.mapquest.com/directions" (hereinafter "Mapquest document") with a publication date of May 28, 2007. However, the Examiner does not appear to provide either a statutory basis or a specific rejection or objection of Applicant's claims based on the cited websites and/or the Mapquest document. In addition, the M.P.E.P. requires that the Examiner specifically cite to which claims the references apply and how the Examiner is relying on the references in relation to the claims, neither of which the Examiner has provided. (M.P.E.P. § 706). As such, the Examiner's statements regarding the indicated websites and the Mapquest document do not establish a *prima facie* rejection of Applicant's claims.

Claims 1-2, 9, 11, 13-14, 30, 32, 35-36, 38, 40, 49 and 53-54 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2004/0215699 issued to Purang et al. (hereinafter "Purang"). Applicant respectfully traverses this rejection.

Under 35 U.S.C. § 102, a claim is anticipated only if each and every element as set forth in the claim is found in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051 (Fed. Cir. 1987); M.P.E.P. § 2131. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P. § 2131.

Of the rejected claims, Claims 1, 30, 36 and 49 are independent. Claim 1 recites "a navigation guide adapted to receive a travel itinerary from a requesting device, the travel itinerary having at least two route segments, the navigation guide adapted to automatically determine a time-optimized route segment sequence for the travel itinerary" (emphasis added). Applicant respectfully submits that, contrary to the Examiner's assertion, *Purang* does not disclose or even suggest all the limitations of Claim 1. For example, *Purang* appears to disclose a trip itinerary planner configured to provide a number of plans based on a user's preferred activities. (*Purang*, paragraph 0023). For example, "if the user always prefers plans that include 'shopping' the system learns that the user has a preference for shopping" and will configure a travel itinerary which allocates more time for the shopping activity. (*Purang*, paragraphs 0042 and 0051). In computing the plan, the *Purang* itinerary planner chooses activities based on the user's preferred activities and generates a "best plan". (*Purang*, paragraph 0023). The "best plan" of *Purang* appears to be a plan with the highest user value identified as follows:

[T]he user value is a function of: (1) the user preference; (2) the characteristics of the activity; (3) the distance between the activity and the current location; (4) the means of transportation available. In one embodiment, user value=activity value for category*user pref for category-travel cost.

(*Purang*, paragraph 0064). If a user request a different plan, then the *Purang* system appears to calculate a "better" plan by "varying the selection among equally highly valued items, selecting more activities that have cumulatively higher user value, or selecting a next-best plan." (*Purang*, paragraph 0023 and 0067).

In the Office Action, the Examiner appears to assert that the timing logic of *Purang* “inherently” discloses the limitation of “automatically determin[ing] a time-optimized route segment sequence for the travel itinerary” as recited in Claim 1. (Office Action dated June 15, 2007, page 3). Applicant respectfully disagrees. For example, the timing logic 225 of *Purang* appears to be associated with a time dedicated for a particular location of an itinerary (e.g., for itinerary planning, the time it takes to do an activity). (*Purang*, paragraph 0035). *Purang* also appears to disclose travel time logic 235 for determining a travel time from one location/activity to another location/activity (e.g., depending on whether travel will be made by foot, by car, or by other vehicles). (*Purang*, paragraphs 0037 and 0054). However, *Purang* does not appear to disclose or even suggest determining “a time-optimized route segment sequence for the travel itinerary” as recited by Claim 1 (emphasis added). *Purang* appears to merely plan an itinerary for visiting different locations/activities where the locations/activities are selected and prioritized based on a user's preferences. Although the *Purang* system may indicate a particular route from one location to another location, including the mode of transportation to use for that particular route, *Purang* does not appear to disclose or even suggest determining “a time-optimized route segment sequence for the travel itinerary” as recited by Claim 1 (emphasis added). To the contrary, the *Purang* system appears to plan an itinerary by selecting and prioritizing locations/activities based on the highest user “value” depending on the user's preferences. Thus, the *Purang* system does not appear to disclose or even suggest identifying which locations/activities to visit based on time or the sequence of routes between the locations/activities based on time. Thus, for at least this reason, Applicant respectfully submits that Claim 1 is patentable over *Purang*.

Moreover, to establish inherency, the extrinsic evidence “must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.” *In re Robinson*, 169 F.3d 743, 745 (Fed. Cir. 1999) citing *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1268, 20 U.S.P.Q.2d 1746, 1749 (Fed. Cir. 1991) (emphasis added). Inherency, may not be established by probabilities or possibilities. *In re Robinson*, 169 F.3d at 745. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.” *Id.*

Applicant respectfully submits that the Examiner has failed to show that the presence of timing logic in the *Purang* device necessarily indicates that the *Purang* device “automatically determine[s] a time-optimized route segment sequence for the travel itinerary” as recited in Claim 1. As shown above, the timing logic of *Purang* is used to calculate the amount of time a particular activity takes. Nowhere in *Purang* is there any teaching and/or suggestion that the timing logic is used to “determine a time-optimized route segment sequence for the travel itinerary” as recited in Claim 1. Therefore, Applicant respectfully submits that *Purang* does not anticipate Claim 1. Accordingly, for at least these reasons, Applicant respectfully requests that the rejection of Claim 1 be withdrawn.

Claim 30 recites “means for receiving a navigation request from a device for a travel itinerary, the travel itinerary having at least two route segments” and “means for automatically determining a time-optimized route segment sequence for the travel itinerary” (emphasis added). For at least the reason discussed above in connection with independent Claim 1, Applicants respectfully submit that Claim 30 is also patentable over *Purang*.

Claim 36 recites “a navigation guide adapted to receive a travel itinerary request from a user, the navigation guide adapted to automatically determine a time-optimized origination time for the travel itinerary” (emphasis added). For at least the reason discussed above in connection with independent Claim 1, Applicants respectfully submit that Claim 36 is also patentable over *Purang*.

Claim 49 recites “a navigation guide adapted to receive a navigation request from a user, the navigation request having a travel itinerary and a desired origination time, the navigation guide adapted to automatically determine a time-optimized navigation route for the travel itinerary corresponding to the desired origination time” (emphasis added). For at least the reason discussed above in connection with independent Claim 1, Applicants respectfully submit that Claim 49 is also patentable over *Purang*.

Claims 2, 9, 11, 13-14, 32, 35, 38, and 40 depend from respective independent Claims 1, 30, 36 and 49. Claims 2, 9, 11, 13-14, 32, 35, 38, and 40 are also not anticipated by *Purang* at least because they incorporate the limitations of respective independent Claims 1, 30, 36 and 49 and also add additional elements that further distinguish *Purang*. Therefore, Applicant

respectfully requests that the rejection of Claims 1-2, 9, 11, 13-14, 30, 32, 35-36, 38, 40, 49 and 53-54 be withdrawn.

SECTION 103 REJECTION

Claims 3-8, 10, 12-13, 15, 31, 33-34, 37, 39, 41-42 and 50-52 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Purang*. Applicant respectfully traverses this rejection.

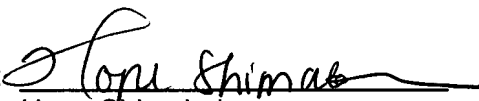
Claims 3-8, 10, 12-13, 15, 31, 33-34, 37, 39, 41-42 and 50-52 depend from respective independent Claims 1, 30, 36 and 49. As shown above, Claims 1, 30, 36 and 49 are patentable over *Purang*. Therefore, Claims 3-8, 10, 12-13, 15, 31, 33-34, 37, 39, 41-42 and 50-52 are also patentable over *Purang* at least because they incorporate the limitations of Claims 1, 30, 36 and 49 and also add additional elements that further distinguish the references. Accordingly, Applicant respectfully requests that the rejection of Claims 3-8, 10, 12-13, 15, 31, 33-34, 37, 39, 41-42 and 50-52 be withdrawn.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

No fee is believed due with this Response. If, however, Applicant has overlooked the need for any fee due with this Response, the Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this Response to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

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